

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
December 7, 2011
REGULAR MEETING & PUBLIC HEARINGS

Minutes

The Board of Trustees of the Village of Brewster is holding a Regular Meeting at 7:30 PM or as soon thereafter as time permits including Public Hearings on revised Chapter 257 Water Rules & Regulations, and a 2nd Public Hearing on Refuse Rent increase from \$132 to \$140 every 6 months on December 7, 2011 at Village Hall, 50 Main Street, Brewster, NY 10509.

Attendees:

Mayor: James Schoenig
Deputy Mayor and Trustee: Christine Piccini
Trustees: Tom Boissonnault, Mary Bryde, Terri Stockburger
Village Engineer: John Folchetti
Village Counsel: Anthony Molé,
Clerk & Treasurer: Peter Hansen

Absent:

Pledge to flag.

Notation of Exits

Mayor Schoenig motioned to open the meeting at 7:30PM, Trustee Boissonnault 2nd all in favor 5 to 0.

Public Hearings

1. Mayor Schoenig motioned to open the Public Hearing, Proposed Revisions to Village Code Chapter 257 – Water Code of the Village of Brewster, Trustee Stockburger 2nd all in favor 5 to 0.
 - 1.1. No public comments.
 - 1.2. Mayor Schoenig motioned to close the Public Hearing, Trustee Stockburger 2nd all in favor 5 to 0.
2. Mayor Schoenig motioned to open the Public Hearing, Proposed increase in Refuse Rents from \$132 every 6 months to \$140 every 6 months effective Jan 1, 2012 (March, 2012 Billing), Trustee Stockburger 2nd all in favor 5 to 0.
 - 2.1. No public comments.
 - 2.2. Mayor Schoenig motions to close the public hearing, Trustee Boissonnault 2nd all in favor 5 to 0.
 - 2.3. Lynne Eckardt asks if the Town and Village could ever get together and jointly contract for Refuse service. The Mayor says at some point we may be able to do that and there are other options to save money establishing contractual terms.

Regular Meeting

Mayor Schoenig motions to open the regular meeting, Trustee Boissonnault 2nd all in favor 5 to 0.

3. 450 N. Main Rezoning Petition – Michael Ligouri provided a letter to the board in support of the petition (attached to these minutes). Deputy Mayor Piccini asks if there is a time line in mind. Mr. Ligouri says they do not as yet have a schedule but wants to assure the board the owner will market the property aggressively. Deputy Mayor Piccini asks if the property will be built to spec or wait until a tenant is found and then do the buildout. Mr. Ligouri says the owner will wait until he has a lease before doing the buildout. Mayor Schoenig asks Counsel Mole if we can put restrictions on what can go in there. Counsel advises that the board cannot put conditions on what type of business can go in, but the Planning Board has some oversight. In essence, any use permitted for a B1 district will be allowed. Counsel Mole points out there are deed restrictions that could be implemented. Deputy Mayor Piccini motions to approve the rezoning of the parcel at 450 N. Main

St. to a B1 use with an offer by the applicant via Mr. Ligouri to restrict by deed special permit uses and in acknowledgement of that offer that there will be no special exception uses allowed, Trustee Bryde 2nd – roll call vote.

Deputy Mayor Piccini: Yes Trustee Stockburger: Yes Trustee Boissonnault: Yes
Trustee Bryde: Yes Mayor Schoenig: No Motions carries 4 to 1.

4. November 2, November 16th and December 5th Minutes for Approval
 - 4.1. Mayor Schoenig motions to approve the November 2nd minutes Deputy Mayor Piccini 2nd all in favor 5 to 0.
 - 4.2. Mayor Schoenig motions to approve the November 16th minutes, Trustee Boissonnault 2nd all in favor 5 to 0.
 - 4.3. Mayor Schoenig motions to approve the December 5th minutes, Trustee Boissonnault 2nd all in favor 4 to 0. Abstain: 1
5. Vouchers Payable

5.1. A	General	\$53,974.84
5.2. F	Water	8,152.89
5.3. G	Sewer	55,579.60
5.4. H15	Sidewalks SAFETEA-LU	202.00
5.5. TA	Trust & Agency	1,702.83
Total Vouchers Payable		\$119,612.16

Mayor Schoenig motions to approve Vouchers Payable, Deputy Mayor Piccini 2nd all in favor 5 to 0.

6. Year-To-Date Budget comparison report – on target except some 6-10 accounts need to be adjusted based on current allocations. Mayor Schoenig asks if we can do this at the 1st meeting in January with a printed table for presentation and inclusion in the minutes. Clerk to prepare.
7. Other Business
 - 7.1. Deputy Mayor Piccini says there is nothing new in regard to the grant.
 - 7.2. Trustee Stockburger says there is no movement on banners. The NYSEG permit application process needs to be started. The existing banner/flags are getting ready to be put out.
 - 7.3. Trustee Bryde asks about the status of credit card processing. Clerk says the Parking permit process needs to be implemented before approaching the credit cards. Probably in the next couple of months. Trustee Bryde asks about the running water on Carmel Ave. – Mayor Schoenig says it is not a village water line, it is ground water. DOT wants to come in and put a trench in. Trustee Bryde asks about the gas line rupture. Mayor Schoenig says the contractor just missed the mark while digging. The Senior Shelter is arising in the public eye again as winter approaches. What is being done to establish a senior center in this area? Mayor Schoenig says that after the change in administration at the Town level both municipalities will approach the school about establishing an emergency shelter. Trustee Bryde asks about the Labor Day parade permit and that Dan Crawford has some good points of consideration. Mayor Schoenig will work with Mr. Dumont, Chief Del Gardo, Superintendent Crawford, and find common ground and work it out. Mr. Dumont will be coming in at the 2nd meeting in January to discuss this and his proposed dates for future events around the village when the weather is conducive.
 - 7.4. Trustee Boissonnault: The Principal at the Garden Street School is excited to do something with the Village of Brewster regarding the last class at GSS. The parade permit applications as discussed at previous meetings must be received at least 60 days in advance of the date of the event and a personal appearance before the board no later than 30 days before the event for approval. Trustee Boissonnault motions to require applications for parade permits be received at least 60 days prior to the event and a personal appearance by the applicant at least 30 days before the event, Trustee Stockburger 2nd, all in favor 5 to 0.
 - 7.5. Rick Stockburger states there are 22 streetlights out of service and NYSEG has been notified.

- 7.6. Mayor Schoenig is waiting for the word from the Town of Southeast on a tool to mass notify the residents of emergency or critical situations. Blackboard Connect is one service being looked at. With regard to the Connecticut vehicle registration information has not yet come back from their DMV.
8. New Business
 - 8.1. Trustee Bryde mentions that today is Pearl Harbor Day and she was privileged to attend the National Purple Heart Hall of Honor Museum where an event commemorating the day was held. It was a very moving experience.
 - 8.2. Mayor Schoenig asks the Patch representative if notice has gone out regarding the house decorations contest. Ashley Tarr says the contest is on, take a photo of your decorated house for submittal. The prizes are generous. This is nation-wide wherever there is a Patch site.
 - 8.3. Mayor Schoenig motions to adopt Village Code Chapter 257 revisions, Deputy Mayor Piccini 2nd all in favor 5 to 0.
 - 8.4. Mayor Schoenig motions to increase the Refuse Rents from \$132 per residential unit to \$140 per residential unit effective Jan 1, 2012 with the first billing in March, 2012, Deputy Mayor Piccini 2nd all in favor 5 to 0.
9. Public Comment
 - 9.1. Mayor Schoenig thanks Jack Gress for his hard work and diligence on the Water Chapter Revisions. Accolades and applause.
10. Mayor Schoenig motions to adjourn, Trustee Stockburger 2nd all in favor 5 to 0.

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December 7, 2011

Hon. James Schoenig, Mayor and Members of the
Board of Trustees
50 Main Street
Brewster, New York 10509

Re: Brewster Properties, LLC
Rezoning of 450 North Main Street

Dear Mayor Schoenig and Members of the Board of Trustees:

We are writing to supplement the previously submitted Petition for Rezoning (i) with additional photographs as required under Village Code Section 263-49; and (ii) to respond to certain comments made during the public hearing process.

(i) The additional photos are attached hereto, which show all properties within a 200 foot radius.

(ii) In response to certain comments made during the public hearing process, we wanted to take this opportunity to clarify a few things. First and foremost, while the difficulty in renting the premises is a basis for the request to rezone the premises, it is not the sole basis for the request. In addition to having difficulty renting the premises, which at this time, seven months have gone by without success, the owner has a vision for the premises which is consistent with the building construction and the uses in that particular area of the Village.

As you all know, the owner is interested in attracting a tenant to occupy the premises for a restaurant use. That use, in particular, would have a built-in customer base due to the proximity to the train station and would work to do two things: keep commuters in the Village and attract people into the Village.

In case the Board is unaware, there are no dining establishments in the Village that serve anything other than bar food that are open at night. The three establishments that are open at night are Norms, Cache (formerly, "The Whistlestop") and the pool hall. We certainly don't want to disparage those businesses, but the Village would be benefitted by something slightly more upscale akin to the dining room at Aversanos or the recently opened Dish restaurant located at the intersection of Route 6 and Route 6N in Carmel, behind the TD Bank.

Something new, like what we have described, would be the type of attraction that people would come to the Village to frequent as opposed to simply driving through on the way to someplace else.

Second, there is no requirement for a landowner to provide a basis to the Board of Trustees in connection with a re-zoning request. Section 263-49 of the Village Code provides a right to landowners to request a re-zoning.

Third, as far as the owner making improvements to the premises to garner a potential tenant, the rents for the permitted uses do not garner the type of money necessary to make the needed improvements to the tenant spaces. The owner estimates that both spaces would need to be gutted in order to attract a viable tenant. Estimates costs for renovations exceed \$60,000±. With taxes, sewer and water charges, it would take approximately five years to recoup the investment simply to break even and this is without certainty that the premises will be rented. With other uses available, particularly the use of the premises for a restaurant, it opens up significant opportunities to find tenants willing to invest in the premises.


Fourth, with regard to parking, we cannot ignore the elephant in the room. There is ample parking in the neighborhood. The majority of it is simply rented to commuters. There is a parking lot just behind the subject premises which is rented to commuters during the day. There is no reason why we or a future restaurant tenant could not rent spaces for its patrons during certain hours. There is ample parking behind the train station that could also be used.

Frankly, I was baffled when I read the comments of the tenants leasing from Hanna Mew, LLC (Brewster Flower Garden, Dottie's and Air and Marine Travel) about how their businesses are affected by the lack of parking spaces available to their customers. I counted over 15 parking spaces behind that building and I can only presume two things: (i) their customers cannot use the spaces; or (ii) their customers do not know that those spaces are available to them. I presume their customers are not aware of the spaces. Maybe additional signage should be added to the building to note that those spaces are there.

Fifth and lastly, with regard to general planning concerns, I would like to highlight Chairman Kulo's comment that "*public officials need to be responsive to the needs and changes of the market place and work with those responsible for business development to achieve vitality in the Village.*" Given the limited nature of the re-zoning request, we believe that it would be appropriate to allow the market to determine what is best for this particular property.

We ask you to support our request and grant the rezoning from Professional Business to Business-1.

Thank you very much.

Sincerely,

Michael T. Liguori